

1-1 By: Watson S.B. No. 1489
 1-2 (In the Senate - Filed March 7, 2013; March 18, 2013, read
 1-3 first time and referred to Committee on Transportation;
 1-4 April 15, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 15, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1489 By: Watson

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the powers and jurisdiction of a regional mobility
 1-22 authority.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subdivision (14), Section 370.003,
 1-25 Transportation Code, is amended to read as follows:

1-26 (14) "Transportation project" means:

- 1-27 (A) a turnpike project;
- 1-28 (B) a system;
- 1-29 (C) a passenger or freight rail facility,

1-30 including:

- 1-31 (i) tracks;
- 1-32 (ii) a rail line;
- 1-33 (iii) switching, signaling, or other
- 1-34 operating equipment;
- 1-35 (iv) a depot;
- 1-36 (v) a locomotive;
- 1-37 (vi) rolling stock;
- 1-38 (vii) a maintenance facility; and
- 1-39 (viii) other real and personal property

1-40 associated with a rail operation;

1-41 (D) a roadway with a functional classification
 1-42 greater than a local road or rural minor collector;

1-43 (D-1) a bridge;

1-44 (E) a ferry;

1-45 (F) an airport, other than an airport that on
 1-46 September 1, 2005, was served by one or more air carriers engaged in
 1-47 scheduled interstate transportation, as those terms were defined by
 1-48 14 C.F.R. Section 1.1 on that date;

1-49 (G) a pedestrian or bicycle facility;

1-50 (H) an intermodal hub;

1-51 (I) an automated conveyor belt for the movement
 1-52 of freight;

1-53 (J) a border crossing inspection station;

1-54 (K) an air quality improvement initiative;

1-55 (L) a public utility facility;

1-56 (M) a transit system;

1-57 (M-1) a parking area, structure, or facility, or
 1-58 a collection device for parking fees;

1-59 (N) if applicable, projects and programs listed
 1-60 in the most recently approved state implementation plan for the

2-1 area covered by the authority, including an early action compact;
2-2 [~~and~~]

2-3 (O) improvements in a transportation
2-4 reinvestment zone designated under Subchapter E, Chapter 222; and

2-5 (P) port security, transportation, or facility
2-6 projects eligible for funding under Section 55.002.

2-7 SECTION 2. Section 370.033, Transportation Code, is amended
2-8 by amending Subsections (c) and (f) and adding Subsections (f-1)
2-9 and (r) to read as follows:

2-10 (c) An authority may [~~, if requested by the commission,~~]
2-11 perform any function not specified by this chapter to promote or
2-12 develop a transportation project that the authority is authorized
2-13 to develop or operate under this chapter [~~in the authority's area of~~
2-14 ~~jurisdiction~~].

2-15 (f) An authority [~~and a governmental entity~~] may enter into
2-16 a contract, agreement, interlocal agreement, or other similar
2-17 arrangement under which the authority may acquire, plan, design,
2-18 construct, maintain, repair, or operate a transportation project on
2-19 behalf of another [~~the~~] governmental entity if:

2-20 (1) the transportation project is located in the
2-21 authority's area of jurisdiction or in a county adjacent to the
2-22 authority's area of jurisdiction;

2-23 (2) the transportation project is being acquired,
2-24 planned, constructed, designed, operated, repaired, or maintained
2-25 on behalf of the department or another toll project entity, as
2-26 defined by Section 372.001; or

2-27 (3) for a transportation project that is not described
2-28 by Subdivision (1) or (2), the department approves the acquisition,
2-29 planning, construction, design, operation, repair, or maintenance
2-30 of the project by the authority.

2-31 (f-1) [~~An authority may enter into a contract or agreement~~
2-32 ~~with the department under which the authority will plan, develop,~~
2-33 ~~operate, or maintain a transportation project on behalf of the~~
2-34 ~~department, subject to the transportation project being in the~~
2-35 ~~authority's area of jurisdiction.] A contract or agreement under~~
2-36 ~~Subsection (f) [this subsection] may contain terms and conditions~~
2-37 ~~as may be approved by an authority, including payment obligations~~
2-38 ~~of the governmental entity and the authority.~~

2-39 (r) This chapter may not be construed to restrict the
2-40 ability of an authority to enter into an agreement under Chapter
2-41 791, Government Code, with another governmental entity located
2-42 anywhere in this state.

2-43 SECTION 3. Section 370.161, Transportation Code, is amended
2-44 to read as follows:

2-45 Sec. 370.161. TRANSPORTATION PROJECTS EXTENDING INTO OTHER
2-46 COUNTIES. [~~(a)~~] An authority may study, evaluate, design,
2-47 finance, acquire, construct, operate, maintain, repair, expand, or
2-48 extend a transportation project [~~only~~] in:

2-49 (1) a county that is a part of the authority;

2-50 (2) a county in this state that is not a part of the
2-51 authority if the county and authority enter into an agreement under
2-52 Section 370.033(f) [~~+~~]

2-53 [~~(A) the transportation project in that county is~~
2-54 ~~a continuation of a transportation project of the authority~~
2-55 ~~extending from a county adjacent to that county;~~

2-56 [~~(B) the county is given an opportunity to become~~
2-57 ~~part of the authority on terms and conditions acceptable to the~~
2-58 ~~authority and that county; and~~

2-59 [~~(C) the commissioners court of the county agrees~~
2-60 ~~to the proposed acquisition, construction, operation, maintenance,~~
2-61 ~~expansion, or extension of the transportation project in that~~
2-62 ~~county]; or~~

2-63 (3) a county in another state or the United Mexican
2-64 States if:

2-65 (A) each governing body of a political
2-66 subdivision in which the project will be located agrees to the
2-67 proposed study, evaluation, design, financing, acquisition,
2-68 construction, operation, maintenance, repair, expansion, or
2-69 extension;

3-1 (B) the project will bring significant benefits
3-2 to the counties in this state that are part of the authority;

3-3 (C) the county in the other state is adjacent to a
3-4 county that [~~is~~]:

3-5 (i) is part of the authority studying,
3-6 evaluating, designing, financing, acquiring, constructing,
3-7 operating, maintaining, repairing, expanding, or extending the
3-8 transportation project; and

3-9 (ii) has a municipality with a population
3-10 of 500,000 or more; and

3-11 (D) the governor approves the proposed study,
3-12 evaluation, design, financing, acquisition, construction,
3-13 operation, maintenance, repair, expansion, or extension.

3-14 SECTION 4. Subsection (b), Section 370.181, Transportation
3-15 Code, is amended to read as follows:

3-16 (b) An authority may enter into an agreement with one or
3-17 more persons to provide, on terms and conditions approved by the
3-18 authority, personnel and services to design, construct, operate,
3-19 maintain, expand, enlarge, or extend a [the] transportation project
3-20 owned or operated by [~~of~~] the authority.

3-21 SECTION 5. This Act takes effect immediately if it receives
3-22 a vote of two-thirds of all the members elected to each house, as
3-23 provided by Section 39, Article III, Texas Constitution. If this
3-24 Act does not receive the vote necessary for immediate effect, this
3-25 Act takes effect September 1, 2013.

3-26 * * * * *